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Atty. Docket: UCON/204/US

In re patent application of first named inventor: Artie J. Goldberg

Application No.: 10/612,511 Examiner: Melba N. Bumgarner

Filing Date: 07/02/2003 Group Art Unit: 3732

For: Advanced Thermoplastics for Orthodontics

### TRANSMITTAL LETTER

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Sir, enclosed herewith is (are):

- Response to Restriction or Election Requirement
- return postcard

It is hereby petitioned that any required extension of time be granted for filing the enclosed papers. An extension of 1 month(s) having a fee of \$60.00 appears required.

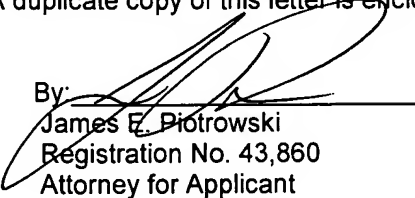
☐ If checked, claims are being amended.

	No. of claims remaining after amendment	Highest no. of claims previously paid for	no. extra	claim fee	subtotal
Total				\$	\$0.00
Independent				\$	\$0.00
Total claim fees					\$ 0.00

☒ If checked, a check in the amount of \$60.00 is attached. Please credit any overpayment to Deposit Account 16-2563 of Alix, Yale & Ristas, LLP.

The Commissioner is hereby requested and authorized to charge Deposit Account 16-2563 of Alix, Yale & Ristas, LLP for any required extension fee and for any other fee, not enclosed herewith, due for any reason during the pendency of this application or in connection with the accompanying document, including (a) any filing fees under 37 CFR 1.16 for the presentation of extra claims and (b) any patent application processing fees under 37 CFR 1.17. A duplicate copy of this letter is enclosed.

Date: 9-8-2005  
Alix, Yale & Ristas, LLP  
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By:   
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The above signatory certifies that this correspondence is being deposited on the date given above with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of: Artie J. Goldberg et al

Application No.: 10/612,511 Examiner: Melba N. Bumgarner

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For: Advanced Thermoplastics for Orthodontics

To: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION OR ELECTION REQUIREMENT**

The Office Communication dated 7/18/2005 for the above application imposed a three-way restriction requirement between the asserted inventions of Groups:

- I. Claims 1-23, drawn to an orthodontic component, classified in class 433, subclass 18.
- II. Claims 24-33, drawn to a method of forming an orthodontic component, classified in class 264, subclass 16.
- III. Claims 34-35, drawn to a method of providing an orthodontic force system, classified in class 433, subclass 24.

In order to strictly comply with the Examiner's requirement in the above restriction requirement, and without agreeing to the propriety of the restriction requirement, Applicant elects, with traverse, the invention of Group I, including claims 1-23 drawn to an orthodontic component.

The Office communication asserts that restriction is proper because "In the instant case, the product of invention I can be made by a materially different process that includes adding fibers or filler to the polymer and coating on the base polymer." This reasoning is

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not understood. Group II is drawn to a method of forming an orthodontic component and NOT to a method of forming a polymer. Thus, the asserted reasoning does not involve asserted Groups I and II, but rather attempts to support a restriction based on Group I and some unclaimed method of forming a polymer.

Additionally, claim 3, which depends from claim 1, recites the use of fibers. Claim 4, which depends from claim 1, recites the use of fillers. Claim 23, which depends from claim 8, recites the use of a coating. Thus, the "materially different process" asserted as a reason for the restriction appears to be the same process that would be used for Group I.

MPEP section 803 states (underlining added) "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

The restriction requirement respectfully appears too restrictive. The Examiner has not shown it would be a "serious burden" to perform a complete search and examination on all of the claims as originally filed. Alternatively, the Examiner has not shown it would be a "serious burden" to perform a complete search and examination on more than just Group I but less than all of the originally filed claims.

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For the above reasons each of the above requirements for restriction is respectfully traversed and the Examiner is respectfully urged to withdraw or modify the same.

Respectfully submitted,

Artie J. Goldberg et al

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